

REMARKS

The Examiner objects to the drawings under 37 CFR 1.83(a) as not showing each element and feature recited in the claims and, for the same or similar grounds, rejects claims 14-23 under 35 U.S.C. § 112, first and second paragraphs, for the reasons noted in the official action. The objections to the drawings and the rejections of claims 14-23 under 35 U.S.C. § 112, first and second paragraphs, are acknowledged and respectfully traversed in view of the following remarks.

In order to expedite prosecution and allowance of the present Application, and without abandonment of or prejudice to the subject matter of the claims, claims 15-20 and 23 are canceled from this application while claims 14, 21 and 22 are amended to address and overcome the stated grounds for objection to the drawings, under 37 CFR 1.83(a), and the rejections of the claims under 35 U.S.C. § 112, first and second paragraphs. It is thereby the Applicants belief and position that the grounds for objection to the drawings, under 37 CFR 1.83(a), and rejections of the claims under 35 U.S.C. § 112, first and second paragraphs, are met and overcome and the Applicant accordingly respectfully requests that the Examiner reconsider and withdraw all objections to the drawings and rejections of the claims under 35 U.S.C. § 112, first and second paragraphs.

The Examiner also rejects claims 14-23— now claims 14, 21 and 22 as amended herein above—under 35 U.S.C. 102 over Popp '597. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the above amendments and the following remarks.

First considering the present invention, the present invention is directed to a method for decreasing the time required to execute a transmission shift operation and, in particular, a transmission crossover shift operation such as a clutch-to-clutch downshift operation, by increasing the engine torque into the transmission, by fueling the engine during the crossover shift operation to effectively cause a more rapid opening of the disengaging clutch during the shift operation. It will be noted that in addition to the amendments addressing the objections to the drawings and the rejections of the claims, under 35 U.S.C. 112, claim 14 is amended to more explicitly and clearly recite these features of the present invention and to thereby more

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clearly and explicitly distinguish the invention as recited in amended claims 14, 21 and 22 over the teachings of Popp '597.

In complete and fundamental contrast from the present invention as recited in amended claims 14, 21 and 22, Popp '597 relates to a method for modifying the transmission input speed and gradient as either a function of one of the transmission clutch drivers or as a function of the transmission shift program, as selected by a manual switch. Popp '597 achieves the intended shifting time, which is equivalent to the desired transmission input speed gradient, by varying both the pressure level of the disengaging clutch and the pressure level of the engaging clutch, as shown in Figs. 5C and 5D of Popp '597. Fig. 5A shows merely that the shift command is caused and initiated by an increase in the gas pedal pressure and Fig. 5B shows the resulting transmission shift behavior as a result of the varying of the pressure levels of the disengaging and engaging clutches.

Stated briefly, Popp '597 therefore teaches only that the shift operation is initiated by an increase in the gas pedal pressure, and that the pressure of the engaging and disengaging clutches is, thereafter, controlled in a conventional manner and is not effected by an increase in engine torque into the transmission during the shifting operation as a result of the engine input torque to the transmission. Stated another way, and in complete and fundamental contrast from the present invention, according to Popp '597 the clutch engagement and disengagement operations are not effected by an increase in fuel to the engine or a resulting increase in engine input torque to the transmission during the shifting operation.

It is therefore the Applicant's belief and position that claims 14, 21 and 22 are fully and patentably distinguished over and from the teachings of Popp '597 under the requirements and provisions of 35 U.S.C. 102. The Applicant respectfully requests that the Examiner reconsider and withdraw all rejections of the claims as presented herein above over Popp '597 under 35 U.S.C. 102 or 35 U.S.C. 103, and allow claims 14, 21 and 22 as amended herein above.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the

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Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Popp '597 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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